

HOUSE BILL 1007
By Clem

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 1, Part 2; Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 15, relative to ex parte communications with health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 24-1-212.

(a) When the mental or physical condition of a plaintiff in a civil action is in controversy, health care providers who provided medical care and treatment to the plaintiff or who generated and maintained medical records, materials or information concerning the plaintiff may be contacted and interviewed ex parte by attorneys representing named parties to the litigation if such health care provider consents to the interview and such information would otherwise be discoverable under the Tennessee rules of civil procedure.

(b) When the mental or physical condition of a person in the custody or under the legal control of a plaintiff in a civil action is in controversy, health care providers who provided medical care and treatment to such person or who generated and maintained

medical records, materials or information concerning such person, may be contacted and interviewed ex parte by attorneys representing named parties to the litigation if such health care provider consents to the interview and such information would otherwise be discoverable under the Tennessee rules of civil procedure.

(c) For the exclusive purpose of the interviews authorized by subsections (a) and (b), any plaintiff who institutes a civil action in which the mental or physical condition of the plaintiff, or of a person in the custody or under the legal control of the plaintiff, is in controversy, is deemed to waive any express or implied covenants of confidentiality between such plaintiff and any health care providers who provided medical care and treatment or who generated and maintained medical records relevant to the civil action.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.